

MINUTES

CASE NUMBER: CV 17-00532 HG-RT

CASE NAME: Clifford McArthur Rigsbee, Individually, and as Personal Representative of the Estate of Clifford Meredith Rigsbee, deceased v. City and County of Honolulu

ATTYS FOR PLAINTIFF: Howard G. McPherson, Esq.
John T. O'Connell, Esq.

ATTYS FOR DEFENDANT: Randall K. Schmitt, Esq.
Sabrina M. Kawana, Esq.

JUDGE: Helen Gillmor REPORTER: Gloria Bediamol

DATE: March 8, 2019 TIME: 3:10pm-3:28pm

COURT ACTION: EP: SETTLEMENT ON THE RECORD

Settlement on the Record held.

The Parties have informed the Court that they have reached a settlement. The terms of a valid and binding settlement agreement have been stated on the record that include:

- (1) Plaintiff agrees to settle and dismiss with prejudice all claims brought or that could have been brought on behalf of himself and as representative of the Estate against the Defendant relating to the death of Clifford Meredith Rigsbee.
- (2) Defendant agrees to pay the sum of \$5.25 million dollars as general damages to Plaintiff with an option to structure funds to be determined. If Plaintiff decides to structure some of the settlement, the structure company must be approved by AIG.
- (3) Plaintiff will indemnify and hold the Defendant City and County of Honolulu harmless with respect

to any and all further claims made by, through, or under the Plaintiff, including those by Amy Wheatley or Jennifer Cooney relating to the death of Clifford Meredith Rigsbee.

- (4) The settlement is subject to approval by the Honolulu City Council with settlement funds to Plaintiff's counsel to be tendered in trust for Plaintiff within 90 days of such approval.

The Court retains jurisdiction pending approval by the Honolulu City Council. The matter is stayed pending a decision on the settlement by the Honolulu City Council. No further discovery will be permitted if the Honolulu City Council does not approve the settlement.

- (5) The settlement will not affect in any way the pension benefit payments payable to Clifford McArthur Rigsbee as a result of the death of Clifford Meredith Rigsbee.
- (6) Each party will pay their own attorneys' fees and costs.

The terms are a binding and enforceable agreement in and of themselves and can only be modified by mutual agreement.

The Trial Date set for March 12, 2019 is **VACATED**.

Defendant shall promptly notify the Court and Plaintiff's counsel when a decision is made by the Honolulu City Council as to the Parties' settlement agreement.

The Parties shall inform the Court as to the status of the decision by the Honolulu City Council by June 17, 2019.

If the matter remains pending, a Status Conference shall be held on September 10, 2019, at 10:30 a.m., before Judge Gillmor. The matter may be reset for trial if the settlement has not been approved.

Submitted by: Mary Feria, Courtroom Manager